

United States Statewide Bills that Preempt Local Authority For Wireless Facilities Allowing Wireless Small Cells/DAS/Nodes on Rights Of Way in Neighborhoods

5G requires millions of mini cell towers to be built nationwide. From coast to coast, states are moving forward with Bills to preempt local authority and allow companies to place wireless antennae in neighborhoods in front of homes with zero to minimal community input. In some states, fierce community opposition has led to blocking these streamlining Bills. In other states, these Bills have passed. Please see this running list of states and their Bills with useful links to news stories and videos about the new legislation.

States With Bills To Support Local Control And Halt Preemption

Connecticut

[Senate Bill No. 536](#)

[Joint Favorable Report on SB 536 \(Includes summary of testimony\)](#)

- The bill proposes to require the council to establish a statewide plan for siting small cells and DAS in the public rights of way. In addition, it would require that any process established include the participation of the municipality where this equipment will be sited. Technology is changing drastically, and there is a need for the added capacity antenna systems provide. There is currently no statutory framework in place that keeps up with changing technology, and wireless companies are able to install antenna systems without the meaningful input from towns where these antenna systems are located. This bill proposes a moratorium on all jurisdictional matters relating to small cells and DAS until the plan and process are approved by the legislature.
- Verizon wireless and Industry trade groups were opposed to this bill.
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[Sen. Slossberg Announces Passage of Senate Bill 536](#) “Slossberg’s bill would establish a state-wide plan and process for siting these small cell canister antennas, similar to the process that currently exists for cell phone towers. Critical to this process would be participation by the municipality where an antenna may be placed, along with members of the community. This process would give community members and elected officials a voice in the siting of these small canister antennas.”

[Written Testimony of the Connecticut Siting Council Submitted to the Energy and Technology Committee In Opposition to Raised Bill No. 536 February 7, 2017](#)

New York

[New York Senate Bill 6687](#) 2017

- Bill directs the public service commission to prohibit the attachment of wireless equipment or any other like attachments to existing utility poles in certain circumstances.

[Letter from Oyster Bay Town Supervisor Joseph Saladino that “it is not in the interest of our citizens to remove the rights of local governments say in the placement of these devices.”](#)

[Draft Ordinance for Oyster Bay on Wireless Facilities](#) which would be among the most stringent if passed.

“The Town of Oyster Bay finds that wireless telecommunications facilities may pose significant concerns to its residents, and the character and environment of its neighborhoods..The process will establish a fair and efficient process for review and approval of applications; assure an integrated, comprehensive review of environmental impacts; and protect the rights of the Town and its residents, to the maximum extent allowed under the law.”

“...no person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of wireless telecommunications facilities without having first obtained a building-permit from the Department of Planning and Development and any and all other approvals as required herein or under other applicable law. A new wireless facility must, in addition to a building permit, obtain a special use permit from the Zoning Board of Appeals.”

[“I’ve had it” Town of Oyster Bay Supervisor Joseph Saladino Calls for a law change to halt cell repeaters in front of homes. VIDEO](#)

[Woodbury, LI Residents Furious Over Cell Repeaters ... – CBS New York](#)

Maryland

Several Districts, communities and elected officials have organized to halt preemption. Montgomery County is redoing zoning and Cities in Prince George’s County have joined to prepare and plan a way to maintain local control. A 2016 Bill to streamline small cells resulted in community outrage.

- [Montgomery County Executive Memo on meeting with the FCC and Maryland State elected officials to discuss small cell issues and FCC radiofrequency limits](#) and the need for local authority
- [County Council Moves to Ease Restrictions for Small Antennas to Boost Wireless Coverage, 2016.](#)
- [Video of Montgomery County community meeting on wireless facility siting:](#)
- [Montgomery County public meeting on cell towers on October 26,2016 Full Video](#)
- [Montgomery County Council Webpage on Small Cells](#)
- [NBC News Report: Hundreds in Montgomery County Do Not Want Small Cell Towers Near Homes:](#)
- [Md. community opposes plans to put cell nodes in front lawns](#), WTOP News

Ohio

SB 331 streamlining Bill that passed was heavily opposed and later was ruled unconstitutional after lawsuits by over 70 cities.

- See News Stories:
- [Judge tosses out state minimum wage law and micro-wireless law cities opposed,](#)
- [Read Summary: Mayor Frank G. Jackson Hosts Press Conference Announcing Lawsuit Opposing Ohio Senate Bill 331](#)

- [Watch Video of Press Conference where City of Cleveland Announces Lawsuit Opposing Ohio Senate Bill 331](#)
- [Cities say state law weakens home rule](#)
- [City joins litigation against state law, March 29, 2017](#)
- [Delaware enters fight against 'flawed' SB 331, ThisWeek, March 30, 2017](#)
- [Local SB 331 lawsuit moving forward](#)
- [Over 70 communities have filed suit over Ohio siting bill enforcement, Cleveland Mayor Frank Jackson addresses lawsuit against wireless equipment bill](#)

States With Bills To Preempt Local Control

California

Heavy Opposition to SB 649 to preempt local authority in small cell wireless facility siting:

Nearly 150 cities, and the League of California Cities®, remain opposed to SB 649 (as amended June 20).

- [SB 649: Wireless telecommunications facilities](#)
- [Letter from Environmental Working Group July 26, 2017](#)
- [Letter from the Marin California Council of Mayors and Council Members Opposing SB 649](#)
- [Law Office of Harry Lehmann "Mass casualties are likely in District 10 from passage of 648, July 6, 2017](#)
- [Law Office Of Harry Lehmann, Second Letter To The State Of California Liability for Damage From Microwave Radiation Exposure Sustained by Senate Bill 649 Will Be Shifted to California State , July 19, 2017](#)
- [Letter from the American Association of Retired Persons \(AARP\), July 19, 2017](#) "This bill undermines the authority of local government.."
- [Letter From EMF Safety Network and Ecological Options Network](#)
- [Radiation Research Trust Letter of Opposition](#)
- [Dr. Devra Davis Letter on Microwave Radiation Health Effects SB 649](#)
- [Letter from Environmental Working Group](#)
- ['Health Exemption for Firefighters sends a Message to the World' by Susan Foster](#)

Examples of letters from California Cities

- [City of Azusa Letter of Opposition](#)
- [City of Humboldt Letter of Opposition](#)
- [City of San Bernardino Letter of Opposition](#)
- [City of Palos Verdes Estates Letter of Opposition](#)
- [California Contract Cities Association Letter of Opposition](#)
- [The City of Long Beach Letter of Opposition](#)
- [Westside Regional Alliance of Councils Letter of Opposition](#)

FACTSHEETS

- [Factsheet OPPOSE SB 649 Let's Get Healthy California or Increase Harmful Radiation?](#)
- [Two page Factsheet Colorful on SB649](#)

- [Dinosaur Factsheet EMF Safety Network](#)

The Editorial Boards of Four Major California newspapers Oppose SB 649

- [“A brazen cell phone power grab” Editorial Board, San Francisco Chronicle](#)
- [“An audacious 5G power \(pole\) grab” Editorial Board, Los Angeles Times](#)
- [“Democratic legislators take bold stands, except when they don’t” Editorial Board, Sacramento Bee, July 9, 2017](#)
- [“California should butt out of cities’ deals with telecom companies” East Bay Times July 17, 2017](#)
- [See playlist of videos of Senate Assembly testimony/discussion/vote on SB 649](#)
- [Fox 5 La Jolla residents battle Crown Castle cell phone tower in yards.](#)
- [The Union: Nevada City opposes state effort to control cell phone infrastructure, May 3, 2017](#)
- [San Francisco Gate: Antenna permitting bill sparks clash between state, local officials](#)
- [CBS News Story “Cell Phone Towers Outside Your Window – Why You Don’t Have The Right To Fight”](#)
- [Cities fight bill to streamline cell antenna installations, July 5 2017, Mercury News](#)

Pennsylvania

House Bill 1620

- [Read the Memo](#)
- [Bucolic Lancaster Shuns Tower Development, Inside Towers, January 16, 2017](#)
- [Cell towers in your neighborhood? Wireless companies want to pre-empt local zoning, says Mayor Gray, January 2017](#)
 “Lancaster Pennsylvania passed a cell tower ordinance in September. It prohibits wireless transmission equipment on any property deemed historically significant, gives the city control over “time place and manner” of construction and repair work and requires equipment to “blend with the existing surroundings ... to the greatest extent possible.”
- [Philly, suburbs brace for ‘attack of the small cells’ towers – Philly.com June 2, 2017](#)
 “About 60 Pennsylvania cities and towns — among them Philadelphia and many of its suburbs — opposed the utility designation in comments to the commission, saying the status granted those firms overly broad powers with little regulatory oversight.”
- [“The state should not strip municipalities of their power to regulate cellphone towers”](#)
- [The Lancaster Online Editorial Board, Jan 13, 2017](#)

Indiana

[Senate Bill 213](#) bars cities and counties from denying permits to companies building cell towers less than 50 feet high on public right-of-ways, as well as installing antennas on utility poles and traffic lights.

- Several cities including West Lafayette, Crawfordsville and Lafayette are among those in Indiana which have begun legislating to head off the effects of a bill giving sweeping new rights to cell phone companies.
- Crawfordsville Mayor Todd Barton, [speaking on WBAA’s “Ask The Mayor,”](#) calls the bill “atrocious.”

- [State, Local Officials Square Off on Indiana Cell Tower Bill, May 2, 2017](#)
- [Communities Scramble To Head Off ‘Atrocious’ Cell Tower Bill, Indiana Public Radio, April 29, 2017](#)
- [Local officials scramble to regain zoning authority on cell towers, Kokomo Tribune](#)
- [State vs. local control of cell tower placement, NWI Times, April 29, 2017](#)
- [Local governments push back against state cell tower bill, April 29, 2017, The Lebanon Reporter](#)
- [City of Rensselaer Council passes resolution RE: SB213: City makes effort to keep wireless structure out of right-of-ways](#)
- [Pendleton, Ingalls call meetings to preempt potential legislation, Herald Bulletin April 2017](#)
- [Senate Bill 213 could lead to unhappy homeowners Fort Wayne Journal Gazette, Op-ed Mar 29, 2017](#)
- [City fights law on cell structure locations, Saturday, April 29, 2017](#) , Indiana Journal Gazette
 “Fort Wayne joined cities and councils throughout Indiana in pushing back against a law that would limit municipalities’ ability to regulate the location of cellular equipment in the public right of way.”

Texas

[Senate Bill 1004](#): Takes away the ability of cities to control how public rights-of-way are used, Mandates the use of street signs, traffic structures, and street lights for antennas for cell phone companies, Subsidizes the cell phone industry with below market rental rates and capped application fees

- “It’s an issue of private companies using taxpayer property for their own gain,” Bennet Sandlin, executive director of the Texas Municipal League, told The Dallas Morning News. “This bill is completely off the charts in terms of fairness.”
- [Inside Towers Texas Small Cell Bill Spurs Concern Over State Revenue Shortfall Due to Price Cap](#)
- [Lubbock wanted more supervision as 5G technology makes its way to Texas, May 19, 2017](#)
- [Bill could improve cellphone service in Texas but cost cities millions, officials say, Dallas News, May 18, 2017](#)
- [Company erects tower, then asks county’s OK, April 15, 2017](#)
- [Texas cities fear loss of millions as 5G becomes reality | KXAN.com, Video of News Report](#)
- [Texas Municipal League Opposition Factsheet “S.B. 1004 A taxpayer subsidy for use of public property”](#)

North Carolina

[HB 310](#)

- [Disconnect HB 310 to prevent health risks, The News and Observer OpEd BY LAURA COMBS](#)
- [Small cell tower compromise moves ahead, WRAL May 18, 2017](#)
- [Industry-backed cellphone tower bill advances despite consumer concerns By Joe Killian, 5/24/2017](#)
- [Bill would turn North Carolina’s neighborhood utility poles into cell towers – Clair Viadro, Herald Sun](#)
- [Faster 5G wireless networks would get green light under NC House bill – but some fear health effects, News and Observer, May 30, 2017](#)

- [5G wireless could help NC make leap from smartphones to smart cities, May 16, 2017](#)
- [North Carolina League of Municipalities opposes HB 310](#)
- [North Carolina League of Municipalities Comments to the Federal Communications Commission](#)
- [North Carolina League of Municipalities small cell wireless forum](#)

Minnesota

Opposition to Small Cell Streamlining Bill resulted in several changes.

- The measure was passed as a stand-alone bill ([HF 739](#)) on the House floor on May 20. The following day, it was included in the omnibus jobs bill, [SF 1456](#), which will now go to Gov. Dayton for approval.
- [View the final omnibus jobs bill \(pdf\)](#) The League of Minnesota Cities had issues with the permitting process, the space between the cells and whether municipalities had the ability to reject permits. The organization ended up making 34 changes to the bill before it became neutral to its passage.
- [Small Cell Bill Refuses to Die in Minnesota Legislature,](#)
- [Bill Would Severely Limit Local Authority to Manage Small Cell Technology in Public Right of Way](#)
- [Negotiated Small Cell Wireless Language Heads to Governor, May 22, 2017](#)
- [Listen to the May 21 Senate Local Government Committee hearing](#)
- [Minnesota Briefing: Read more details about the measure and the differences between Minnesota's bill and laws passed in other states \(pdf\)](#)

Illinois

SB 1451, known as the Small Cell Facilities Deployment Act, would limit municipal authority to regulate, site or charge permit fees for small wireless facilities.

- [Chicago Tribune June 1, 2017: Aurora opposes bill on siting of wireless facilities](#)
- [Connelly 5G Technology Bill Flies Out of the Senate](#)
- [The DuPage Mayors and Managers Conference Factsheet of Opposition to SB 1451 SMALL CELL WIRELESS FACILITIES DEPLOYMENT](#)

Nevada

[Review Journal: Heller move would speed broadband access to rural Nevada](#)

Rhode Island

[2017 — S 0342](#): Small Cell Siting Act: Following the House's passage of the bill, the legislation was referred to the R.I. Senate, where Sen. Louis P. DiPalma, D-Middletown, has sponsored companion bill S0342.

- [House Oks Ucci bill to pave the way to bring 5G to RI –](#)

Oregon

No Bills at this time but this is a report of the Advisory Council.

- [Broadband in Oregon A Report of the Oregon Broadband Advisory Council](#)

Kansas

[HB 2131 Passed in 2016 Siting of Wireless Telecommunications Infrastructure; Permit Application Process Between Wireless Service Providers and Municipalities](#)

- [Bill Streamlines Wireless Zoning in Kansas, March 31, 2016](#)
- [Kansas Mayor Says Law Could Allow Cell Towers In Front Yards | KCUR](#)

South Dakota

No State Bills at this time. The article below describes how “ South Dakota’s senior U.S. senator is the chair of the powerful Commerce, Science and Transportation Committee, with oversight of the national telecommunications laws and regulations. In March, Thune introduced the Mobile NOW Act, a bill to open up spectrum to telecommunications companies and smooth the path for 5G technology, and moved it through his committee to the Senate floor.”

- [US News.com South Dakota Working to Be Among First to Get 5G Technology](#)

Hawaii

[House Bill 625 HD3 – Small Wireless Facility Deployment](#)

- [CTIA comments in Support](#)

Delaware

[House Bill 189](#) “Advanced Wireless Infrastructure Investment Act” passed June 2017

- [AT&T applauds Delaware Legislature for passing HB 189 – ATT.com](#)

Arizona

[HB 2365](#): HB 2365 was signed by Gov. Doug Ducey on March 31 allowing wireless carriers such as Verizon, AT&T, T-Mobile and Sprint to install, operate and maintain small-cell equipment in city and town rights-of-way, according to the League of Arizona Cities and Towns.

- [Town Officials Weigh Changes to Zoning As Rights-of-Way Bill Set to Take Effect](#)
- [Paradise Valley to establish new design standards on the heels of HB 2365](#)
- [New state law compounds Paradise Valley cell phone solution set](#)
- Arizona Gov. Doug Ducey [wrote a letter published](#) saying that his signature on House Bill 2365 makes his state the first to “streamline” the deployment of 5G wireless communication.
- [Ducey: Arizona the first state to “pave the way” for 5G cell service, April 6 2017, KTAR.COM](#)

Virginia

[HB 2196 \(Kilgore\)](#) and [SB 1282 \(McDougle\)](#) would preempt local zoning authority and require that localities allow wireless facilities in their rights of way and on all locally owned property. The streamlining bill is opposed by several cities and counties, as well as the Virginia Municipal League.

- [SB 1282 \(McDougal\) Wireless communications infrastructure.](#)
- [Legislative Report- 2017 General Assembly Session on SB 1282](#)
- [States try to speed up deployment of 5G wireless networks,](#)
- [SB 1282 Wireless communications infrastructure; procedure for approved by localities.](#)
- [Bill would restrict local control over some wireless equipment, Charlottesville Tomorrow, January 27, 2017](#)
- [Virginia Association of Counties Factsheet as to why they oppose this bill.](#)

Iowa

[Senate File 431 AN ACT RELATING TO THE SITING OF SMALL WIRELESS FACILITIES](#) signed by Governor on 5/8/2017

- [Regulations for 'small cell' technology may bring '5G' to Iowa, April 29, 2017](#)

Florida

[CS/SB 596](#) (Hutson) and [HB 687](#) (La Rosa) preempt local government control of city-owned rights-of-way for installation of wireless antennas and equipment. Among their various other provisions, the bills bar local governments from prohibiting or regulating the installation of wireless facilities on or next to existing cellular phone towers and utility poles within municipally owned rights of-way.

- [CS/CS/HB 687: Utilities Signed into law by governor.](#)
- [Tampa City Council responded by setting a 120-day moratorium on permits for 5G wireless antennas on city rights of way](#)
- [FactSheet by Florida League of Cities AGAINST 687](#) "CS/HB 687 currently imposes a ridiculous price cap of \$15 for these assets, lower than anywhere else in the country"
- [Memo on Temporary Moratorium on Placement of Wireless Communication Towers and Facilities in Public Rights-of-Way To: Cell Tower Right-of-Way Task Force Members Florida Association of County Attorneys \(FACA\) From: Jessica M. Icerman, Esq., Member, Cell Tower Right-of-Way Task Force, October 18, 2016](#)
- [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA NO. 2017-06 in Opposition to 687](#)
- [Bill would preempt local govt's, give giant telecom firms more control, Palm Beach Post](#)

Colorado

[HB17-1193: Small Cell Facilities Permitting And Installation](#) Clarifies that expedited permitting process established for broadband facilities applies to small cell facilities and small cell networks. Clarifies that rights-of-way access afforded to telecommunications providers for construction, maintenance, and operation of telecommunications and broadband facilities extends to broadband providers, small cell facilities, and small cell networks. Provides that telecommunications provider has right to locate or collocate small cell facilities and small cell networks on local government entity's light poles, light

standards, traffic signals, or utility poles in rights-of-way owned by local government, subject applicable law.

- [Town of Morrison Colorado Ordinance Amending the Municipal Code with Declared Emergency June 20, 2017](#)

Washington

[SB 5711 – 2017-18 Concerning telecommunications services.](#)

Companion Bill: [HB 1921](#)

- [State Legislature plans for the world of 5G, June 14, 2017](#)
- [Small cell telecommunications bill fails to move out of the Senate](#), March 10, 2017
- [The Future of 5G In Washington State, March 9, 2017](#)
- [Q&A about 5G bill – Doug Ericksen](#)
- [Feb 8, 2017 Video Energy, Environment & Telecommunications at 08:00 AM](#)
- [Wireless Carriers Lobby For Access To ‘Street Furniture’ In Washington](#), NW News Network

Georgia

[The Mobile Broadband Infrastructure Leads to Development Act, HB 176](#) Passed in 2014 HB 176 would limit cities and counties to charging no more than \$500 for review of an application for a new cell tower and limit rental and lease fees.

- [Ga. Representative Won’t Give Up as Cell Tower Bill Stalls in Committee](#)

Missouri

In 2017 a streamlining Bill FAILED [HB 656 – Small Cell Deployment Act](#)

- [The Missouri Municipal League was opposed](#) to the 2017 HB 656 – Small Cell Deployment Act that would add small wireless facilities to the “Uniform Wireless Communication Infrastructure Deployment Act” passed into law in 2013 and grant wireless companies the right to use the public right of way to deploy wireless antennas. These bills limit a municipality’s ability to control the placement of antennas and “adjacent” equipment.
- [Read the CTIA Letter in Support of HB 656](#)

In 2013 House Bill 331 passed.

- HB 331 proposes to prohibit municipalities from evaluating a cell site applicant’s business decisions with respect to the design of its service, customer demand for service, or quality of its service in a certain area. A municipality would also not be allowed to evaluate a cell tower application based on the availability of other potential locations for wireless site placement. Additionally, the type of wireless infrastructure, such as DAS, could not be dictated by the local authority.
- The Municipal League and the Missouri Association of Counties opposed the passing of this bill.
- [Missouri Cell Tower Law Lands on Governor’s Desk AGL Press Release](#)
- [Missouri Gov. Jay Nixon Signs Wireless Siting Degreg Bill \(HB 331\) into Law in 2013](#)

Nebraska

LB 389, the [Small Wireless Facilities Act](#), would cap application and permit fees at \$250 and eliminate other lease, fee or tax payments. However, local governments would keep control over permitting.

- Opposition includes the [Nebraska Rural Electric Association](#) and the [League of Nebraska Municipalities](#).
- [Nebraska bill would end cities' big haul for small cells, March 31, 2017](#)

Wisconsin

[2013 Mobile Tower Siting Regulations](#)

- As part of 2013 Act 20, the "[Budget Bill](#)", this law preempts local regulation of cell phone towers. Although the new law allows local regulation under a number of circumstances, it also limits local regulation in some critical areas such as height limits, setbacks, and location of towers.
- [2013 Mobile Tower Siting Regulations](#)
- News Reports:
- "[Cell tower siting eased by Wisconsin regulation changes](#)" [Journal Sentinel July 16, 2013](#)

[AB 130](#): In response to the 2013 Regulations legislators presented AB130 in 2017.

- AB 130 authorizes a political subdivision to restrict the placement of certain mobile cell towers.
- [Bill would give local governments more control on cell tower siting 1/6/2017](#)

AB 348, regulating the location of mobile cell tower sites.

- The bill initially created a loophole for small cell towers to be erected without setbacks.
- Two press releases are indicative of the response to this bill. First a representative was in opposition to this bill. Read the June 6, 2017 "[Press Release: Rep. Allen critical of cell tower bill; No setback requirement on "small wireless" towers up to 50 feet](#)" Then, when setbacks were added, he supported the bill. [See his June 21, 2017 Press Release "Rep. Allen supports amended cell tower bill Setbacks could be required on cell towers, small wireless facilities under current version"](#).

Massachusetts

Fierce Opposition to Wi-Fi Poles Along Commuter Rail.

- MBTA signed a contract that would allow InMotion Wireless to place wireless radiation-emitting monopoles along the commuter rail route. Citizens and municipal leaders across the Commonwealth have voiced strong opposition to the MBTA Plan in news reports:
- [I-Team: Wi-Fi Poles Proposed Along MBTA Commuter Rail Tracks Anger Communities 2017/06/09/](#)
- [CBS Boston Local Report on Opposition at Manchester-by-the-Sea 2017/06/26](#)
- [The Town of Andover has a web page "Proposed MBTA Monopoles in Andover"](#)

Massachusetts has [seven bills](#) dealing with wireless radiation.